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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
350292000800

First named inventor: Masahiko MIHARA

Application No: 09/381,598

Art Unit: 1646

Filed: September 20, 1999

Examiner: J. Murphy

Title: PREVENTATIVES OR REMEDIES FOR SENSITIZED T CELL-RELATED DISEASES  
CONTAINING IL-6 ANTAGONISTS AS THE ACTIVE INGREDIENT

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications  
filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,330.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ a Notice of Appeal (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in  
an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown  
below.

Dated: 3/1/04

Signature: Tasha Newton (Tasha Newton)

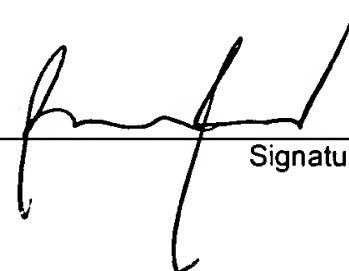
## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Please see Attachment for further details. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

March 1, 2004

Date



Signature

Telephone  
Number:

(858) 720-7962

Bruce D. Grant - 47,608

Typed or printed name

MORRISON & FOERSTER LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130

Address

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

**ATTACHMENT**

**Continuation of Paragraph 4**

In the communication filed September 11, 2003 in response to the final Office action mailed March 11, 2003, the applicants unintentionally omitted a Notice of Appeal. The applicants discovered this omission shortly after filing the response. The applicant's representative held one informal interview with Examiner Murphy shortly after filing the Response to the final Office Action to discuss the status of the claims, as an allowance of the claims would complete the pendency of the application and not filing the notice of appeal would be moot. The Examiner told the undersigned representative that he would discuss the status of the claims with his supervisor and issue an Advisory Action. The Advisory Action mailed by the Office on January 28, 2004 indicated that the claims were not allowable, and the applicants promptly prepared this petition for revival based upon the unintentionally abandoned patent application.

A Notice of Appeal is filed concurrently and it is respectfully requested the Office grant this petition. No petition for an extension of time is filed herewith as a petition requesting a three-month extension of time was included with the communication filed September 11, 2003.